

MAR 5 2004
TRANSPORTATION

HOUSE FILE 2463
BY T. TAYLOR

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to counseling and time off for railroad employees
2 involved in certain accidents.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2463

1 Section 1. NEW SECTION. 327F.32 RAILROAD ACCIDENTS --
2 EMPLOYEE LEAVE AND TRAUMA COUNSELING.

3 1. A railroad company shall make trauma counseling
4 available to an employee of the railroad company involved in
5 an accident on a railway or right-of-way under the control of
6 the company if the accident results in the death of or serious
7 bodily injury to a person. The counseling shall be made
8 available to the employee within forty-eight hours of the
9 accident.

10 2. An employee involved in an accident described in
11 subsection 1 shall be given leave from duty with compensation
12 and applicable benefits for a minimum of three days following
13 the accident. If the railroad company makes an affirmative
14 showing that the accident was due to the negligence or willful
15 act of an employee involved in an accident described in
16 subsection 1, the leave provided to the employee who acted
17 negligently or willfully may be provided without compensation
18 and benefits.

19 3. An engineer returning to duty following leave provided
20 pursuant to subsection 2 shall, upon request, be assigned an
21 assistant engineer or other qualified person to accompany the
22 engineer for such time as may be necessary to guarantee the
23 public safety or until a qualified medical practitioner
24 determines that the engineer does not suffer from a
25 posttraumatic stress disorder.

26 4. The director shall adopt rules for administration and
27 enforcement of this section.

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EXPLANATION

29 This bill requires that a railroad company must make trauma
30 counseling available to an employee who is involved in an
31 accident on a railway or right-of-way under the company's
32 control if the accident results in serious bodily injury to a
33 person or death of a person. The employee is to be given
34 three days' leave with compensation and benefits. However, if
35 the railroad company makes an affirmative showing that the

1 accident was due to the negligence or a willful act of the
2 employee, the leave may be provided without compensation and
3 benefits.

4 At the employee's request, the railroad company shall
5 assign an assistant engineer or other qualified person to
6 accompany an engineer returning from leave after an accident
7 for as long as is necessary to guarantee the public safety, or
8 until a qualified medical practitioner determines that the
9 engineer is not suffering from posttraumatic stress disorder.

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